

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

File No. 1:19-cr-00041

PHILIP GORDON PAAUWE,

Defendant.

Hearing

Before

THE HONORABLE RAY KENT
United States Magistrate Judge
June 4, 2019

APPEARANCES

For the Government: Mr. Davin M. Reust
Assistant U.S. Attorney (Grand Rapids)
The Law Building
330 Ionia Avenue, N.W.
P.O. Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404
davin.reust@usdoj.gov

For the Defendant: Matthew G. Borgula
Springstead, Bartish, Borgula & Lynch
15 Ionia Avenue, S.W., Ste. 520
Grand Rapids, MI 49506
(616) 458-5500
matt@springsteadbartish.com

Courtroom Deputy: S. Carpenter

Recorded By: Digitally Recorded

Transcribed By: Bonnie L. Rozema, CER-5571
(616) 878-9091
rozemab1@comcast.net

TABLE OF CONTENTS

WITNESS:

PAGE

None

EXHIBITS:

IDENTIFIED

None

1 Grand Rapids, Michigan

2 Tuesday, June 4, 2019 - 2:10 p.m.

3 THE COURT: This is 19-cr-41, United States
4 versus Philip Gordon Paauwe. Am I pronouncing your name
5 correctly?

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Mr. Reust appears on behalf of the
8 United States, Mr. Borgula on behalf of Mr. Paauwe.
9 Mr. Paauwe, we're here this afternoon because Mr. Borgula
10 tells me that you've decided to change your plea from not
11 guilty to guilty pursuant to the terms of a written plea
12 agreement; is that right?

13 MR. PAAUWE: That is correct, your Honor.

14 THE COURT: Mr. Paauwe, remind me how far you
15 got in school.

16 MR. PAAUWE: I have a bachelor's degree from
17 Grand Valley State University, your Honor.

18 THE COURT: All right. Do you have any physical
19 or mental disability that would make it difficult for you
20 to understand what the charge is you're pleading guilty to,
21 the contents of your plea agreement, or what's happening
22 here in the courtroom?

23 MR. PAAUWE: No, your Honor.

24 THE COURT: In the last 24 hours have you had
25 any drugs, alcohol, or medicine?

1 MR. PAAUWE: A glass of champagne.

2 THE COURT: All right.

3 MR. PAAUWE: Oh, and prescription medication.
4 Prozac, 40 milligrams.

5 THE COURT: Okay. Do you feel like your mind is
6 clear as you're sitting here now?

7 MR. PAAUWE: Yes, sir.

8 THE COURT: Mr. Borgula, is Mr. Paauwe competent
9 to proceed?

10 MR. BORGULA: Yes, he is, your Honor.

11 THE COURT: Mr. Reust, do you agree?

12 MR. REUST: Yes, your Honor.

13 THE COURT: Mr. Paauwe, you do have the right to
14 remain silent even now. If we go forward with your plea
15 hearing, however, I'll be asking you a series of questions.
16 In answering those questions you'll be giving up both the
17 right to remain silent and also the presumption of
18 innocence because some of my questions will go to the issue
19 of your guilt. Moreover, before I ask you those questions,
20 I'm going to have you placed under oath to tell the truth.
21 If you were then to answer any of my questions falsely, you
22 could be charged with new crimes, including perjury or
23 making a false statement, which carry their own separate
24 penalties. Do you understand all of that?

25 MR. PAAUWE: I do, your Honor.

1 THE COURT: Do you still wish to go forward?

2 MR. PAAUWE: I do, your Honor.

3 THE COURT: If you would, sir, stand and raise
4 your right hand. I'm going to have you sworn to tell the
5 truth.

6 THE COURTROOM DEPUTY: Do you swear or affirm
7 that the testimony you are about to give relevant to this
8 cause now pending before the Court is the truth, the whole
9 truth, and nothing but the truth so help you God?

10 MR. PAAUWE: I do.

11 PHILIP GORDON PAAUWE,
12 sworn by the courtroom deputy at 2:12 p.m.,
13 testified upon his oath as follows.

14 THE COURTROOM DEPUTY: You may be seated.

15 THE COURT: Mr. Paauwe, you have the right to
16 have this hearing held before Judge Paul Maloney. Judge
17 Maloney's the trial judge assigned to your case and the
18 judge who will sentence you if your plea of guilty is
19 accepted. Judge Maloney is a United States district judge.
20 He was appointed for life by President Bush. I'm a United
21 States magistrate judge. I was not appointed by a
22 president. I don't have lifetime tenure. My job
23 essentially is to assist Judge Maloney in the discharge of
24 his responsibilities. Unlike Judge Maloney, I can't accept
25 your plea agreement, accept your guilty plea, or find you

1 guilty. What I can do is ask you the questions that Judge
2 Maloney would ask if he were here, advise you of your
3 rights as he would, and then prepare a written report to
4 him recommending that he either accept or reject your plea
5 agreement and accept or reject your plea. Do you
6 understand the difference between Judge Maloney and me?

7 MR. PAAUWE: Yes, your Honor.

8 THE COURT: Do you understand you have the right
9 to have this hearing before Judge Maloney?

10 MR. PAAUWE: Yes, your Honor.

11 THE COURT: We're going to project up on the
12 screen now a form which appears to contain your written
13 decision to consent to my handling of the hearing in place
14 of Judge Maloney. Is that your signature near the bottom
15 of the form?

16 MR. PAAUWE: Yes, it is, your Honor.

17 THE COURT: Did you read and understand the form
18 before you signed it?

19 MR. PAAUWE: Yes, I did, your Honor.

20 THE COURT: Did anybody threaten you, coerce
21 you, or promise you anything to get you to consent to my
22 handling of the hearing?

23 MR. PAAUWE: No, your Honor.

24 THE COURT: Was that a freewill and voluntary
25 decision by you?

1 MR. PAAUWE: It was, your Honor.

2 THE COURT: Mr. Reust, does the government
3 consent to my handling of the hearing?

4 MR. REUST: Yes, your Honor. And I've signed
5 the form as well.

6 THE COURT: All right. Mr. Borgula, do you?

7 MR. BORGULA: Yes, your Honor.

8 THE COURT: All right, well, I accept your
9 consent, Mr. Paauwe, and we'll proceed with the hearing. I
10 remind you of your right to a lawyer. You've hired
11 Mr. Borgula to represent you. That's absolutely fine. As
12 I told you before, if at any time you were unable to afford
13 to continue him, you just ask me and I'll appoint a lawyer
14 if you qualify. Do you understand that?

15 MR. PAAUWE: Yes, your Honor.

16 THE COURT: Have you been satisfied with the
17 work that Mr. Borgula and his firm has done on your behalf
18 so far?

19 MR. PAAUWE: I have, your Honor.

20 THE COURT: Mr. Paauwe, you do, still, even now
21 have the right to persist in your plea of not guilty. At
22 least at this moment you remain presumed innocent of these
23 charges. The government still has the burden of proving
24 you guilty beyond a reasonable doubt on each and every
25 element of those charges. That would occur at a speedy and

1 public trial before twelve jurors drawn from the community.
2 At trial you would have the right through Mr. Borgula to
3 confront and cross-examine the government's witnesses, to
4 call your own witnesses and have the Court order them to
5 appear and testify. You would have the right to present
6 other evidence which you believe demonstrates you're not
7 guilty of these charges.

8 And finally, you would have the right to either
9 take the witness stand and testify in your own defense, or
10 remain silent and not have your silence used against you in
11 any way. If we go forward with your guilty plea hearing,
12 however, you'll be giving up the right to a trial, there
13 won't be a trial of any kind, and you'll also be giving up
14 all of the rights that I've just described, except the
15 right to continue to be represented by Mr. Borgula. Do you
16 understand all of that?

17 MR. PAAUWE: Yes, I do, your Honor.

18 THE COURT: Do you still wish to go forward?

19 MR. PAAUWE: I do, your Honor.

20 THE COURT: It's my understanding that under the
21 terms of the plea agreement you'll be pleading guilty to
22 Count 1 of the indictment. Count 1 charges you with
23 coercion and enticement of a minor. The government claims
24 that between September 26, 2017 and January 4, 2019, in
25 Kent County, using your Apple iPhone 7, you enticed a 17

1 year old girl to send images and videos of herself engaged
2 in sexually explicit conduct. Do you understand what
3 you're charged with in Count 1?

4 MR. PAAUWE: I do, your Honor.

5 THE COURT: If Judge Maloney accepts your guilty
6 plea on that count, there are penalties that apply. Judge
7 Maloney would have to sentence you to a minimum sentence of
8 at least ten years in prison and a maximum sentence up to
9 life in prison, a fine of up to \$250,000, supervised
10 release of at least five years, and up to lifetime
11 supervised release. Do you know what supervised release
12 is?

13 MR. PAAUWE: I'm assuming it is something
14 similar to probation, your Honor.

15 THE COURT: It's similar in the sense that you
16 would be under the supervision of Judge Maloney.
17 Supervised release does not begin until a defendant is
18 released from serving any prison term. So if you're
19 sentenced to prison, which you must be in this case, when
20 you get out you'll be placed on supervised release, Judge
21 Maloney will impose conditions on you, things like, you
22 know, you not commit any federal, state, or local crime,
23 you register, as you will be required to, as a sex
24 offender, you may be -- seek and maintain a job,
25 counseling, drug treatment, whatever Judge Maloney thinks

1 is appropriate for you. But the important thing for our
2 purposes today is that you understand that if you violate
3 any of those conditions, Judge Maloney can send you back to
4 prison for all or any part of that supervised release term.
5 Do you understand now?

6 MR. PAAUWE: I do, your Honor.

7 THE COURT: All right. There is also two
8 special assessments, one in the amount of 100, one in the
9 amount of \$5,000. You'll be ordered to pay restitution, so
10 if this -- if the victim in this Count 1 required, oh, like
11 medical treatment or psychological counseling or, you know,
12 anything of that nature that was necessitated by your
13 conduct, you will be ordered to compensate her the cost of
14 that. Finally, you will be required to register as a sex
15 offender for the rest of your life. Do you understand the
16 penalties?

17 MR. PAAUWE: I do, your Honor.

18 THE COURT: If you went to trial on this charge,
19 Count 1, there are certain things the government would have
20 to prove. First, that you knowingly persuaded, induced,
21 enticed, or coerced an individual under the age of 18 to
22 engage in unlawful sexual activity; two, that you used a
23 means or facility of interstate or foreign commerce to do
24 so, and three, you knew the individual was under 18. I'm
25 going to ask Mr. Reust now to briefly summarize the

1 evidence the government would offer if you went to trial on
2 Count 1. Please listen carefully. I'll have a couple
3 questions for you when he's finished. Mr. Reust.

4 MR. REUST: Thank you, your Honor.

5 If this case were to go to trial, the government
6 would call Special Agent, or sorry, Task Force Officer
7 Siemens, who is seated to my left, who would indicate that
8 on October 31st, 2018, he posted an advertisement on
9 Whisper, which is a social media site. Mr. Paauwe reached
10 out to him believing that Agent Siemens was the mother of a
11 13 year old girl. Mr. Paauwe indicated that he wanted to
12 engage in sexual relations with the daughter of persona,
13 the 13 year old girl. And on January 4th, 2019,
14 TFO Siemens and another task force officer, Stasiak, went
15 to Mr. Paauwe's home and interviewed him.

16 He consented to the search of some of his
17 digital devices, specifically his iPhone. When they
18 reviewed his iPhone, they found images of a girl that
19 appeared to be a minor that would constitute child
20 pornography. They were of her genital area, and her father
21 eventually contacted them and indicated that the victim,
22 who would go by the initials of G.L., reported and was
23 subsequently interviewed and indicated that she first was
24 contacted by Mr. Paauwe or had communications with
25 Mr. Paauwe when she was 15 years old, that their

1 conversation quickly turned sexual. He requested she take
2 and send him nude photographs of herself, which she did,
3 and the search of the phone uncovered several of those
4 photographs. And the communications between the two were
5 ongoing between September of 2017 and until agents went to
6 his house in January of 2019.

7 THE COURT: Thank you, Mr. Reust.

8 Mr. Paauwe, you heard Mr. Reust's description of
9 the evidence the government would offer if he went to trial
10 on Count 1? Yes?

11 MR. PAAUWE: Yes, I did, your Honor.

12 THE COURT: Do you agree that the government
13 would be able to produce the evidence that he described?

14 MR. PAAUWE: I do believe so, your Honor.

15 THE COURT: And do you also agree that that
16 evidence would be sufficient to convict you?

17 MR. PAAUWE: I do believe so, your Honor.

18 THE COURT: I'm going to talk to you now about
19 some sentencing related issues. Under the Sentencing
20 Reform Act of 1984, an organization called the United
21 States Sentencing Commission issued advisory sentencing
22 guidelines for judges like Judge Maloney to consider when
23 formulating a sentence in a criminal case. Have you talked
24 to Mr. Borgula about these guidelines and how they might
25 apply to you?

1 MR. PAAUWE: Yes, I have, your Honor.

2 THE COURT: Do you understand that the most
3 Mr. Borgula can do today is give you his best estimate of
4 what your guideline range may be and what your sentence may
5 be?

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Do you understand that there's
8 nobody on the face of the earth who can tell you with
9 certainty today, not Mr. Borgula, not Mr. Reust, not me,
10 not even Judge Maloney, by the way, if he was sitting here,
11 can tell you precisely what your guideline range will be or
12 what your sentence will be?

13 MR. PAAUWE: I do understand that, your Honor.

14 THE COURT: Do you understand Judge Maloney
15 won't even be able to determine what guideline range you
16 fall into until after a presentence report has been
17 prepared?

18 MR. PAAUWE: Yes, your Honor.

19 THE COURT: Do you further understand that even
20 after Judge Maloney determines what guideline range does
21 apply to you, he has the discretion of sentencing you
22 within that range, above the range or below the range?

23 MR. PAAUWE: Yes, your Honor.

24 THE COURT: Do you understand that if the
25 sentence Judge Maloney gives you is more severe than what

1 you're expecting as you sit here today, you'll still be
2 bound by your guilty plea and you will not be able to
3 withdraw it?

4 MR. PAAUWE: I do understand, your Honor.

5 THE COURT: Mr. Borgula, is there any kind of
6 cooperation clause in this case?

7 MR. BORGULA: No, your Honor.

8 THE COURT: Mr. Paauwe, you understand that
9 parole has been abolished in the federal system, and if
10 Judge Maloney sends you to prison, you will not be released
11 on parole?

12 MR. PAAUWE: Yes, your Honor.

13 THE COURT: Mr. Borgula, is Mr. Paauwe presently
14 on parole, probation, or bond in any other case?

15 MR. BORGULA: He is not. But he's on bond, your
16 Honor.

17 THE COURT: In this case.

18 MR. BORGULA: In this case.

19 THE COURT: Okay. But not -- no other case?

20 MR. BORGULA: Correct.

21 THE COURT: Okay. Mr. Paauwe, do you understand
22 the government may have the right to appeal your sentence?

23 MR. PAAUWE: Yes, your Honor.

24 THE COURT: Do you believe you understand the
25 nature of the charge in Count 1, the penalties provided by

1 law for that charge, and your rights as I've explained them
2 to you?

3 MR. PAAUWE: I do, your Honor.

4 THE COURT: Understanding all of those things,
5 how do you plead to the charge in Count 1?

6 MR. PAAUWE: I plead guilty.

7 THE COURT: Was your decision to plead guilty
8 the result of force, threats, or coercion?

9 MR. PAAUWE: No, your Honor.

10 THE COURT: Was at least one of the reasons that
11 you decided to plead guilty here this afternoon the fact
12 that the government has promised that if you in fact plead
13 guilty to Count 1, the government will dismiss all the
14 other charges against you?

15 MR. PAAUWE: Uh-huh.

16 THE COURT: Was your decision to plead guilty a
17 freewill and voluntary act by you?

18 MR. PAAUWE: Yes, it was, your Honor.

19 THE COURT: Are you pleading guilty because you
20 are in fact guilty?

21 MR. PAAUWE: That is correct. Yes, your Honor.

22 THE COURT: Has anybody promised you anything to
23 get you to plead guilty here today that is not contained in
24 the written plea agreement?

25 MR. PAAUWE: No, your Honor.

1 THE COURT: Mr. Reust, are you aware of any such
2 promises?

3 MR. REUST: There are none, your Honor.

4 THE COURT: Mr. Borgula?

5 MR. BORGULA: I'm unaware of any other promises,
6 your Honor.

7 THE COURT: Mr. Paauwe, have you read the entire
8 plea agreement?

9 MR. PAAUWE: Yes, I have, your Honor.

10 THE COURT: Do you understand the entire plea
11 agreement?

12 MR. PAAUWE: I do, your Honor.

13 THE COURT: Do you agree with the entire plea
14 agreement?

15 MR. PAAUWE: Yes, your Honor.

16 THE COURT: Do you agree to be bound by the
17 entire plea agreement?

18 MR. PAAUWE: I do, your Honor.

19 THE COURT: Have you discussed both the plea
20 agreement and your decision to plead guilty pursuant to it
21 with Mr. Borgula before today?

22 MR. PAAUWE: I have, your Honor.

23 THE COURT: Was he able to answer any questions
24 you had about either one of those decisions?

25 MR. PAAUWE: He has, your Honor.

1 THE COURT: Do you feel like you've had
2 sufficient time to consider this very important decision
3 that you're making here today?

4 MR. PAAUWE: I do, your Honor.

5 THE COURT: I'm going to go through the plea
6 agreement with you now.

7 Mr. Borgula, is there a copy he can follow along
8 with?

9 MR. BORGULA: Yes, your Honor.

10 THE COURT: I'm going to do it paragraph by
11 paragraph. In paragraph one you agree to plead guilty to
12 Count 1. Paragraph two lays out the elements, we've
13 discussed those. Paragraph three, the penalties, we've
14 covered those. Paragraph four, restitution, we've talked
15 about that. Paragraph five, supervised release, we've
16 covered that. Paragraph six covers asset forfeiture.
17 You're agreeing to turn all right, title, and interest in
18 the iPhone over to the government. Do you understand that?

19 MR. PAAUWE: Yes, your Honor.

20 THE COURT: Paragraph seven, the factual basis
21 of guilt we'll come back to. Paragraph eight contains the
22 government's promise to dismiss the other charges against
23 you if you plead guilty to Count 1. Paragraph B contains
24 another promise by the government to move for an additional
25 one level reduction in your guideline range because you

1 have permitted the government to avoid preparing for trial
2 by your guilty plea. Paragraph nine covers the sentencing
3 guidelines. We've discussed those. Paragraph 10 says
4 there's no agreement about what your guideline range is.
5 It really doesn't matter, because even if there was an
6 agreement, it would be up to Judge Maloney to decide
7 anyway. Paragraph 11 contains a waiver of your
8 constitutional rights at trial. We've covered those.

9 Paragraph 12 covers your waiver of some other
10 rights, including rights to attack your conviction or
11 sentence after it's over, whether by appeal or collateral
12 attack. There's two exceptions carved out. The paragraph
13 12 lists six, but four of those you can't waive in any
14 event, so I'm not going to talk to you about those. But
15 the two you could have waived but are retaining are number
16 three, if Judge Maloney incorrectly determines your
17 guideline range and if Mr. Borgula objects to that, and
18 number four, if Judge Maloney sentences above the guideline
19 range and unreasonable.

20 Paragraph 14, for what seems like the count -- I
21 don't know how many times I have to say this now, but
22 paragraph 14 is void as against public policy. I will
23 recommend that Judge Maloney reject paragraph 14. The
24 government cannot coerce surrender of a valid claim that a
25 prosecution has been vexatious, frivolous, or in bad faith

1 for the purpose of extorting a plea from a defendant, and
2 for that reason, the so-called Hyde waiver is void. I'll
3 recommend that he not accept it. Of course it's up to him
4 to decide what to do about that.

5 Paragraph 15 is very important. It recites the
6 fact that Judge Maloney is not a party to this agreement
7 and not bound by any part of it. You understand that,
8 right, Mr. Paauwe?

9 MR. PAAUWE: I do, your Honor.

10 THE COURT: Paragraph 18 recites the fact that
11 you must register as a sex offender as a result of this
12 conviction. We've talked about that.

13 Mr. Reust, anything -- any other portions of the
14 plea agreement you wish to place into the record?

15 MR. REUST: No, your Honor, thank you.

16 THE COURT: Mr. Borgula, any portions you wish
17 to place in the record?

18 MR. BORGULA: No, your Honor.

19 THE COURT: All right, Mr. Paauwe, if you would,
20 please, turn to paragraph seven. I have got a couple
21 questions for you about paragraph seven. My first question
22 is this: Is every statement contained in paragraph seven
23 true?

24 MR. PAAUWE: Yes, your Honor.

25 THE COURT: Do you agree with every statement

1 contained in paragraph seven?

2 MR. PAAUWE: Yes, your Honor.

3 THE COURT: Do you agree to be bound by every
4 statement in paragraph seven?

5 MR. PAAUWE: Yes, your Honor.

6 THE COURT: Do you agree to be sentenced at
7 least in part based upon the statements made in paragraph
8 seven?

9 MR. PAAUWE: Yes, your Honor.

10 THE COURT: Mr. Reust, are the statements
11 contained in paragraph seven sufficient to support the
12 plea?

13 MR. REUST: They are, your Honor.

14 THE COURT: Mr. Borgula, do you agree?

15 MR. BORGULA: I agree, your Honor.

16 THE COURT: Mr. Paauwe, I find your plea is made
17 knowingly and with full understanding of each of the rights
18 that I explained to you, that it's made voluntarily and
19 free from any force, threats, or promises other than the
20 promises contained in the written plea agreement. I find
21 that you understand the nature of the charge in Count 1,
22 the penalties provided by law for that charge, and that
23 your plea has a sufficient factual basis to support it,
24 specifically the agreed-upon or stipulated facts contained
25 in paragraph seven of the plea agreement. I defer

1 acceptance of the plea agreement and your plea to Judge
2 Maloney. Those are his decisions to make, not mine, but I
3 will prepare a written report today recommending that he
4 accept both your plea agreement and your plea, and that he
5 find you guilty. I'm going to order that a presentence
6 investigation commence and that a presentence report be
7 prepared.

8 The next thing likely to happen in your case
9 will be a presentence interview. A probation officer will
10 sit down with you, Mr. Borgula, or one of the lawyers that
11 he works with will be there. The probation officer will
12 ask you a whole series of questions about your childhood,
13 your family, your upbringing, your education, your health
14 history, work history, substance abuse history, criminal
15 history if you have any. In using that and other
16 information, we'll prepare a report for Judge Maloney. You
17 and Mr. Borgula will get a copy of that report at least a
18 month before you're sentenced. Again, Mr. Borgula will sit
19 down with you, go through it all carefully. If there are
20 things that you or both of you disagree with, for example
21 the officer's scoring of your guidelines, Mr. Borgula will
22 speak with the officer and attempt to work out any issues.
23 If issues remain, Judge Maloney will decide those before he
24 sentences you. That is likely to take place in late
25 September or early October, would be my best guess. It's

1 running about four months between plea and sentencing right
2 now.

3 Mr. Reust, what's the government's position on
4 continued bond for Mr. Paauwe?

5 MR. REUST: Government does seek Mr. Paauwe's
6 bond. It did at the initial -- initial hearing, which was
7 held before Judge Carmody. I think she considered it a
8 close call and ultimately let him out based on the
9 presumption of innocence. And I understand that he still
10 has that, but he's at least proffered a factual basis that
11 would support a guilty plea here.

12 THE COURT: Has there been -- have there been
13 any issues while he's been on bond?

14 MR. REUST: My understanding is there have not.

15 THE COURT: All right. I'm going to --
16 Mr. Borgula, do you wish to be heard on this issue?

17 MR. BORGULA: There have been no issues on bond,
18 your Honor. He's been a model citizen. He's prepared for
19 either outcome today, whether to go in or stay out.

20 THE COURT: All right. I'm going to take the
21 matter under advisement. I want to talk to Pretrial
22 Services, get their input, and then I will let the lawyers
23 know what my decision is. Probably won't be today when I
24 decide though, so.

25 Anything else we should take up here today,

1 Mr. Reust?

2 MR. REUST: No, your Honor, thank you.

3 THE COURT: Anything from you, Mr. Borgula?

4 MR. BORGULA: No, your Honor. Thank you.

5 THE COURT: Mr. Paauwe, did you understand
6 everything that happened in court here this afternoon?

7 MR. PAAUWE: I did, your Honor.

8 THE COURT: Do you have any questions for me?

9 MR. PAAUWE: I do not, your Honor.

10 THE COURT: All right. Now I'm leaving you on
11 bond at least, you know, it will be at least overnight. It
12 could be longer, I don't know. And ultimately I'm not
13 committing what my decision will be. I might order you
14 taken into custody, but understand how critically
15 important, I mean when you walk through the doors of that
16 courtroom you were still presumed innocent. That no longer
17 applies. You haven't been found guilty, because I don't
18 have the power to do that, but you at least have tendered a
19 plea and laid a factual basis that would support the
20 acceptance of a guilty plea. I'm sure you're hoping that
21 Judge Maloney will accept the agreement contained in the
22 written plea agreement that the government be allowed to
23 dismiss all the other charges against you. I'm sure you're
24 hoping that Judge Maloney will, you know, give you the
25 lowest sentence that he believes is appropriate under the

1 circumstances of your case. I'm sure you're hoping to get
2 the extra one point reduction from the government for your
3 timely guilty plea. Understand this, if you were to
4 violate your bond in any way, I think you have to believe
5 that all of those things go out the window.

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Because you're, you know, you're
8 being given an opportunity here for a few more days of
9 freedom, such as it is. I mean, obviously, you're under
10 supervision, but you're not in prison and you're going to
11 go there and be there for a while, so don't screw it up.

12 MR. PAAUWE: Understood, your Honor.

13 THE COURT: Okay? Okay. All right, any
14 questions for me, Mr. Paauwe, before we adjourn?

15 MR. PAAUWE: No, your Honor, thank you.

16 THE COURT: Good luck to you. We're adjourned.

17 (At 2:36 p.m., proceedings concluded.)

18 -oo0oo-

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I, Bonnie L. Rozema, CER, do hereby certify that this transcript, consisting of 25 pages, is a complete, true, and accurate transcript, to the best of my ability from the audio recordings, of the proceedings and testimony held in this case on June 4, 2019.

I do further certify that I prepared the foregoing transcript.

/s/ Bonnie L. Rozema

Bonnie L. Rozema, CER-5571
2700 92nd Street, S.W.
Byron Center, MI 49315
(616) 878-9091

Notary Public in and for
Kent County, Michigan
My commission expires:
March 26, 2025
Acting in the County of Kent